

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-16 and 20-23 are now in the application. Claims 14 and 20 have been amended. Claims 17-19 have been canceled. Claims 21-23 have been added.

More specifically, the claims have been amended in response to the Examiner's rejection thereof under 35 U.S.C. § 112. It is noted in this regard - as will be immediately clear from a review of the amended and added claims - that the amendment does not in fact narrow any of the claims relative to the originally filed claims. The amendment is considered to be primarily of a formal and rather cosmetic nature.

Claim 14 has been amended to correct the "second circulator."

Claims 17-19 have been canceled and replaced with the new claims 21 - 23, respectively. The added claims are believed to be in proper format as they refer back to one other claim each. Claim 20 has been amended by incorporating therein the subject matter of claim 14.

The specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner

find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

We now turn to the art rejection, in which the claims have been rejected as being anticipated by Nagatsu et al. (US 6,626,590) under 35 U.S.C. § 102 and/or as being obvious over a modified teaching of the same reference under 35 U.S.C. § 103. We respectfully traverse on the basis that the invention claimed herein was made before the prior art date of Nagatsu et al. and that, accordingly, the patent is not available as a prior art reference.

Nagatsu et al. has an earliest prior art date under 35 U.S.C. § 102(e) of December 6, 1999. As shown by the enclosed materials and the Declaration under 37 CFR § 1.131 (Rule 131), the invention was made prior to that date.

The Rule 131 declaration is accompanied by an invention disclosure (*Erfindungsmeldung*) referred to therein, including the original drawing, and by a certified translation of the invention disclosure. The cover page of the invention disclosure - a translation of which is not provided - shows four highlighted dates (in European date format), namely:

30.7.99 (right top) - the date when the invention disclosure was authored.

9.8.99 (right center) - the date when the invention disclosure was received by Dr. Behrens, the inventor's supervisor at ICN M RP.

11.8.99 (left) - the date of Dr. Behrens' signature and recommendation/promotion of the invention.

17. Aug. 1999 (right bottom) - the receipt stamp of the corporate patent department ZT GG VM Mch M.

It is further noted that the copy of the invention disclosure and of the certified translation thereof omits pages 4/5 and 5/5. These two pages contain company-internal, confidential information, which has no bearing on the issue at hand.

In summary, the reference Nagatsu et al. is not available. All of the art rejections are therefore moot. None of the available references, whether taken alone or in any combination, either show or suggest the features of the independent claims. They are therefore patentable.

In view of the foregoing, reconsideration and allowance of claims 1-16 and 20-23 are solicited.

Appl. No. 09/775 [REDACTED] 0
Amdt. dated February 13, 2004
Reply to Office action of December 22, 2003

If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicant

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WHS:tk

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